

REMARKS/ARGUMENTS

In the Office Action mailed November 4, 2004, claims 2-16, 18-30 and 32-43 were rejected. Applicants have thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the references cited therein. The following remarks are believed to be fully responsive to the Office Action. All the pending claims at issue are believed to be patentable over the cited references.

Independent claims 2, 18, 19, 20, 21, 22, 25 and 32 have been amended. No claims have been cancelled. Claims 44-47 have been added. As such, claim 2-16, 18-30 and 32-47 remain pending.

NEW CLAIMS AND CLAIM AMENDMENTS

Independent claims 2, 18 and 32 have been amended to include the phrase "the unique identifier is assembled using an array of data that such that specific aspects of the equipment are identified." Additionally, claims 44-47 have been added. Support for the amendment and the additional claims are found in paragraphs [0031] – [0033] of the pending application as well as Table 1, which is found on page 8 of the pending application. As such, no new matter has been added.

Claims 19, 20, 21, 22 and 25 have been amended to correct informalities.

CLAIM REJECTIONS – 35 U.S.C. § 102(b)

The Examiner rejected claims 2-16, 18-30 and 32-43 under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 5,959,529 to Kail (hereinafter referred to as “Kail”). In light of the following remarks, Applicants respectfully submit that these claims are allowable.

Initially, Applicants note that it is axiomatic that to qualify as an anticipation under Section 102, the cited reference must “bear within its four corners adequate directions for the practice of the patent invalidated.” (See, for example, Dewey & Almay Chemical Co. v. Mimex Co., Inc., 52 U.S.P.Q. 138 (2nd Cir. 1942)). Applicant respectfully submits that Kail embodies no such directions.

More particularly, the present invention enables remote monitoring by attaching a hardware controller to equipment and using an apparatus, detached from the equipment, to conduct the monitoring. The apparatus includes a display device, an input device, software executed by the apparatus and a communications device. The controller includes a unique identifier. The identifier is assembled in a manner such that it provides the remote monitor with specific aspects or properties of the computer. Referring to Table 1 and paragraph [0032], the unique identifier can be assembled such that it provides the following:

(i) Manufactured Month/Year;

(ii) Shipped date;

(iii) Device Brand;

(iv) Device Feature Set;

(v) Device Type; and

(vi) Operating limits.

By providing these features, the remote monitoring device can more accurately monitor and react to a potential problem.

One of the main problems with the current techniques for monitoring is that these “techniques” do not overcome the scenario of having multiple devices with differing manufacturers at a single location. One of the main problems with this scenario is what is acceptable operating limitation on one device is not necessarily the same operating limitation on another manufacturer’s device. Even the same manufacturer can have multiple models in a same line with different operating parameters. With all of this lack of compatibility, it makes monitoring a more difficult task because what one might conceived as a “normal” operating limitation on Brand A is actually an early indication of failure on Brand B.

By having specific aspects of the equipment detailed in the identifier, the service personnel can more quickly determine if the reporting condition coming from the equipment is normal or an indication of failure. These specific aspects can inform the service personnel with such things as the manufacturer, feature set and device type. With this information immediately at their disposal, the service personnel can make a diagnosis of the problem and quickly take action. If this information is not immediately available, the technician would have to attempt to obtain the information from the equipment itself or from some other source. If the equipment is storing temperature sensitive material, the time delay, resulting from the lack of information, could be critical.

Kail discloses monitoring and assessing the status of a subject with a portable monitoring unit and a central monitoring. Additionally, Kail discloses the central monitoring device assigning each of the portable monitoring units 12 with an identifier.

Kail, unlike the present invention, does not disclose or teach assembling a unique identifier using an array of data that such that specific aspects of the equipment are identified.

As such, Kail does not disclose or teach the presently claimed invention. Applicants, therefore, respectfully request that the rejection be removed and the claims be allowed to pass to issuance.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request that the outstanding rejections be removed. If, for any reason, the Examiner disagrees, please call the undersigned attorney at 202-861-1703 in an effort to resolve any matter still outstanding before issuing another action. The undersigned attorney is confident that any issue which might remain can readily be worked out by telephone.

In the event this paper is not timely filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No.

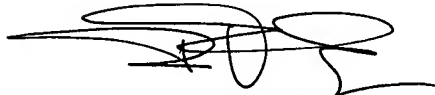
Docket No. 87289.1741
Serial No. 10/022,194
Customer No. 30734

Patent

50-2036 with reference to our Docket No. 87289.1741.

Respectfully submitted,

BAKER & HOSTETLER LLP

A handwritten signature in black ink, appearing to read 'Dennis P. Cawley', with a horizontal line drawn through the middle of the signature.

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